

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 23, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar and Anthony W. Cobos. Absent: Vivian Rojas. None. Meeting was called to order at 9:06 a.m. and the invocation was given by Police Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. ***Buddy Poppies***
2. ***El Paso Military Heroes Day***
3. ***World TB Day***

*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending. [Theresa Caballero, Stuart Leeds, Hollebeke Family]

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to recess City Council Meeting to discuss the Mass Transit Board Meeting at 9:25 a.m.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 9:30 a.m.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of January 7, 2003 and March 16, 2004, and Special City Council Meeting of March 8, 2004.

Motion made, seconded and unanimously carried to excuse Representative Vivian Rojas from the Regular City Council Meeting of March 23, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment of Air Cargo Center Agreement from Ontario Aircraft Services, Inc. to Aircraft Service International, Inc. for the property municipally known as 301 George Perry Blvd. Suite H, El Paso, Texas effective February 1, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to accept Modification 4 to Contract No. DTSA20-03-H-00998 between the City of El Paso, on behalf of the El Paso International Airport, and the Transportation Security Administration (TSA). This Modification will provide additional funding in the amount of \$120,500.00 for fiscal year 2004 for the TSA Explosive Detection Canine Team Program reimbursements at the El Paso International Airport; bring the total amount of the contract to \$357,500.00; and extend it through September 30, 2004.

***RESOLUTION**

WHEREAS, the City of El Paso, a political subdivision of the State of Texas ("City"), has received authority from the Legislature of the State of Texas and the Foreign-Trade Zones Board to establish and maintain a foreign-trade zone at the Port of El Paso ("Foreign-Trade Zone No. 68").

WHEREAS, the City is the Grantee of Foreign-Trade Zone No. 68;

WHEREAS, the City of El Paso has identified a need to expand the boundaries of Foreign-Trade Zone No. 68 by 478.848 acres of land to include the El Paso International Airport air-cargo facilities and the adjacent industrial park in order to meet demand for international trade and foreign trade zone services;

WHEREAS, the proposed Foreign-Trade Zone No. 68 expansion property is owned by the City of El Paso;

WHEREAS, the City of El Paso also identified 34.8 acres of land which was added to Foreign-Trade Zone No. 68 fourteen years ago that has never been used for foreign trade zone purposes and has been since developed and zoned for purposes prohibited under Foreign-Trade Zone regulations; and

WHEREAS, the City Council believes that it is in the best interest of Foreign-Trade Zone No. 68 that the City complete and file a formal application to expand Foreign-Trade Zone No. 68 and to delete the property which is no longer eligible for designation, and to comply with the applicable requirements specified in Sections 400.21 to 400.29 of the Regulations of the Foreign-Trade Zones Board, under U.S. Foreign-Trade Zones Act of 1934, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council approves the submission to the Foreign-Trade Zones Board of an application to expand Foreign-Trade Zone No. 68 to include the 474.848 acre site more fully described on Exhibit "A", and to delete the 34.8 acre site described on Exhibit "B" both of which are attached and fully incorporated by reference; that the Director of Aviation be authorized to sign the application and related documents to expand and modify Foreign-Trade Zone No. 68; and urges the Foreign-Trade Zones Board approval of the application on an expedited basis.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a State Use Contract between the CITY OF EL PASO, TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), and BORDER TM INDUSTRIES, INC. to provide specified grounds maintenance services for the El Paso International Airport in the amount of \$6,372.33 monthly for the period from April 1, 2004 through March 31, 2005 and that it is in the best interest of the City for this grounds maintenance service function to be performed through contract. This Contract is subject to the approval of the City's Civil Service Commission.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, The El Paso City Council strongly supports improved regional transportation infrastructure projects and the necessary State funding to accomplish these type of projects, and

WHEREAS, the Transportation Policy Board ("TPB") of the El Paso Metropolitan Planning Organization ("MPO") on January 23, 2004, endorsed two projects for presentation to the Texas Transportation Commission ("Commission"); and

WHEREAS, on May 27, 2004, El Paso will send a delegation to Austin to petition the Commission to fund these two projects; and

WHEREAS, the construction funds requested total \$352,422,982; and

WHEREAS, these projects will assist in the completion of Loop 375, improve congested traffic conditions, aid in the flow of commercial traffic, and help the El Paso region address its rapid growth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

The Mayor be authorized to sign a resolution in support of the two priority projects endorsed by the Transportation Policy Board of the MPO for presentation to the Texas Transportation Commission.

The City Council of the City of El Paso finds that the following identified infrastructure projects are necessary for El Paso regional transportation needs and supports these transportation infrastructure projects, endorsed by the TPB of the MPO, for presentation to the Commission for approval and action:

- **Priority #1- Inner Loop**

This phase of the Inner Loop project includes: the extension of Global Reach Drive to Walter Jones Boulevard (six lane divided roadway); an interchange at Global Reach Drive and Walter Jones Boulevard; an extension of Walter Jones Boulevard to Loop 375 (four lane divided roadway), and ensuing interchange; the rebuilding of Walter Jones Boulevard from the new interchange (Walter Jones Boulevard and Global Reach Drive) west to Founders Boulevard; and the construction of an additional gate-access entrance onto Biggs Army Airfield via the interchange at Global Reach Drive and Walter Jones Boulevard. The estimated cost of this phase of the project is \$44,484,000. The entire project to US 54 is estimated to be \$196,422,982.

- **Priority #2- IH-10/Loop 375 Interchange East**

This project includes two phases: Phase II will construct outer loops and frontage road connectors of this multilevel interchange, including the reconstruction of the existing cloverleaf ramps. This phase will also construct direct connectors between Loop 375 and Interstate 10. The estimated cost of Phase II is \$74.2 million. Phase III will construct the remaining direct connectors and final miscellaneous design and aesthetic treatments throughout the entire project limits. This multilevel interchange is a freeway-freeway facility between Loop 375 and Interstate 10. The estimate cost of Phase III is \$81.1 million.

1. The City Clerk is instructed to submit an original of this Resolution to the Commission in time for its May 27, 2004 meeting.
2. The City of El Paso's full support of an improved transportation system and adequate levels of funding be respectfully communicated to the Commission.

Mr. Patrick Abeln, Director of Aviation, explained Phase I of the project and noted that TxDOT had committed funding in the amount of \$44 million and the Airport Enterprise Fund had committed \$8 million. He answered questions from and responded to comments made by the Council Members.

Representative Lozano, Mayor Joe Wardy, Representatives Cushing and Cook commented and/or asked questions of City staff.

Mr. Ricardo Dominguez, Metropolitan Planning Organization, commented on funding sources for the two phases of the project and elaborated on the interchange to be constructed at I-10 and Joe Battle.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and MARIA E. VALDEZ for the purchase of Lot 9, Block 26, WOODLAWN, El Paso, El Paso County, Texas, also known as 216 Gateway Boulevard North to be used for the purpose of completing the EL PASO ZOO EXPANSION PROJECT.

Motion made, seconded and unanimously carried to move to the regular agenda the Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations totaling \$16,418,800 (New Clint Cell; New McCombs Cell; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).

Representative Cushing, Mayor Joe Wardy, Representatives Cook, Austin, Power questioned Mr. David Almonte, Director of OMB, Ms. Emma Acosta, Director of Solid Waste Management, Mr. Jim Martinez, Chief Administrative Officer, and Mr. Byron Johnson, Director of Purchasing.

Mr. Ray Gilbert, citizen, noted that the City of El Paso was an enterprise and requested a copy of the current financial statement. He questioned whether the City of El Paso maintained the highest waste disposal fees in the area and added that utilizing the Solid Waste Department's General Fund was appropriate.

Mr. Norman Gordon, bond counsel, provided financial advice and requested that the Council Members not approve the resolution if any doubts existed.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks the Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations totaling \$16,418,800 (New Clint Cell; New McCombs Cell; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).

NOTE: Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations totaling \$16,418,800 (New Clint Cell; New McCombs Cell; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).; Bid No. 2004-034 31 Yard Automated Side Load Refuse Trucks; Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2; and Budget Transfer BT2004-524, were all considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on March 15, 2004, by Helpers of El Paso for prayer and sidewalk counseling; beginning at 8:30 a.m. to 12:00 p.m., at 730 Yandell Drive, on Saturday, March 20, 2004.

Mr. Alan Shubert, Director of Building Permits and Inspections, requested the Council Members make the necessary finding as per the El Paso Municipal Code.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution with the finding that the late filing was not due to a lack of diligence by the applicant.

NOTE: This Resolution was considered together with the below resolution, the rules of order regarding electronic voting were automatically suspended.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on March 15, 2004, by Helpers of El Paso for prayer and sidewalk counseling; beginning at 8:30 a.m. to 12:00 p.m, at 500 Schuster, on Saturday, March 20, 2004.

Mr. Alan Shubert, Director of Building Permits and Inspections, requested the Council Members make the necessary finding as per the El Paso Municipal Code.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution with the finding that the late filing was not due to a lack of diligence by the applicant.

NOTE: This Resolution was considered together with the above resolution, the rules of order regarding electronic voting were automatically suspended.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That facsimile signatures of the following individuals are authorized for JP Morgan Chase Bank; Account Number 1500-093-0571, City of El Paso Concentration Account; Account Number 1500-093-0659, City of El Paso Payroll Account; Account Number 1500-093-0010, City of El Paso Pension Payroll Account; Account Number 7206-109-4173, City of El Paso Employee Health Benefits Account; Account Number 1500-227-0452, City of El Paso Workers' Compensation Account - Ward N.A. Administrators:

Carmen Arrieta, Comptroller
Richarda Duffy Momsen, Municipal Clerk

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

NOTE: Resolution was revised to read "Richarda Duffy Momsen".

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That facsimile signatures of the following individuals are authorized for JPMorgan Chase Bank, Account Number 1500-201-977-6, Tax Overpayment Refunds Account, and Account Number 1500-201-978-4, Prepaid Property Taxes Account.

Carmen Arrieta, Comptroller
Juan F. Sandoval, Tax Assessor / Collector

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That facsimile signatures of the following individuals are authorized for Wells Fargo Bank, Texas, N.A., Account Number 7480012579, City Tax Assessor.

Carmen Arrieta, Comptroller
Juan F. Sandoval, Tax Assessor / Collector

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-057-1, City of El Paso Concentration Account:

GROUP 1	Carmen Arrieta, Comptroller Blanca Lorkowski, Treasury Services Manager Frank Keton, Accountant IV Debra Tombosky, Accountant III
GROUP 2	Richarda Duffy Momsen, Municipal Clerk Diana Nuñez, Deputy City Clerk David Almonte, Director, Office of Management & Budget
GROUP 3	Joe Wardy, Mayor Anthony W. Cobos, Mayor Pro Tempore Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 7206-109-417-3, City of El Paso Employee Health Benefits Account:

GROUP 1	Carmen Arrieta, Comptroller Blanca Lorkowski, Treasury Services Manager Frank Keton, Accountant IV Debra Tombosky, Accountant III
GROUP 2	Richarda Duffy Momsen, Municipal Clerk Diana Nuñez, Deputy City Clerk David Almonte, Director, Office of Management & Budget
GROUP 3	Joe Wardy, Mayor Anthony W. Cobos, Mayor Pro Tempore Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-065-9, City of El Paso Payroll Account:

- | | |
|---------|--|
| GROUP 1 | Carmen Arrieta, Comptroller
Blanca Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk
Diana Nuñez, Deputy City Clerk
David Almonte, Director, Office of Management & Budget |
| GROUP 3 | Joe Wardy, Mayor
Anthony W. Cobos, Mayor Pro Tempore
Paul J. Escobar, Deputy Mayor Pro Tempore |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-001-0, City of El Paso Pension Payroll Account:

- | | |
|---------|--|
| GROUP 1 | Carmen Arrieta, Comptroller
Blanca Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk
Diana Nuñez, Deputy City Clerk
David Almonte, Director, Office of Management & Budget |
| GROUP 3 | Joe Wardy, Mayor
Anthony W. Cobos, Mayor Pro Tempore
Paul J. Escobar, Deputy Mayor Pro Tempore |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-227-045-2, City of El Paso Workers' Compensation Account - Ward N.A. Administrators:

- | | |
|---------|--|
| GROUP 1 | Carmen Arrieta, Comptroller
Blanca Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk
Diana Nuñez, Deputy City Clerk
David Almonte, Director, Office of Management & Budget |
| GROUP 3 | Joe Wardy, Mayor
Anthony W. Cobos, Mayor Pro Tempore
Paul J. Escobar, Deputy Mayor Pro Tempore |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Wells Fargo - City Tax Assessor Account Number 7480012579 (Property Tax Collections):

- | | |
|---------|--|
| GROUP 1 | Carmen Arrieta, Comptroller
Blanca Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk
Juan F. Sandoval, Tax Assessor / Collector
Claudia P. Chavez, Tax Deputy Administrator |
| GROUP 3 | Joe Wardy, Mayor
Anthony W. Cobos, Mayor Pro Tempore
Paul J. Escobar, Deputy Mayor Pro Tempore |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-201-977-6, Tax Overpayment Refunds Account, and Account Number 1500-201-978-4, Prepaid Property Taxes Account.

- | | |
|---------|--|
| GROUP 1 | Carmen Arrieta, Comptroller
Blanca Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
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GROUP 2 Richarda Duffy Momsen, Municipal Clerk
 Juan Sandoval, Tax Assessor / Collector
 Claudia P. Chavez, Tax Deputy Administrator

GROUP 3 Joe Wardy, Mayor
 Anthony W. Cobos, Mayor Pro Tempore
 Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized representatives to conduct business with MBIA on behalf of the City of El Paso.

Carmen Arrieta, Comptroller
Blanca B. Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized representatives to conduct business with the Local Government Investment Cooperative, "LOGIC", on behalf of the City of El Paso.

Carmen Arrieta, Comptroller
Blanca B. Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized representatives to conduct business with TexSTAR Participant Services on behalf of the City of El Paso.

Carmen Arrieta, Comptroller
Blanca B. Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized representatives to conduct business with the Texas Treasury Safekeeping Trust Company's Local Government Investment Pool, "TexPool", on behalf of the City of El Paso:

Carmen Arrieta, Comptroller
Blanca B. Lorkowski, Treasury Services Manager
Frank Keton, Accountant IV
Debra Tombosky, Accountant III

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO PROPERTY IN EAST EL PASO LOCATED NEAR PRADO ROAD AND BORDER HIGHWAY IN A PORTION OF TRACT 3B, BLOCK 35, YSLETA GRANT, EL PASO COUNTY, TEXAS.

WHEREAS, February 25, 2004, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead easement (10' x 314.72') for the purpose of providing electrical service to property in east El Paso located near Prado Road and Border Highway in a portion of Tract 3B, Block 35, Ysleta Grant, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement to provide service to land in a portion of Tract 3B, Block 35, Ysleta Grant, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an overhead easement for the purpose of providing electrical service to property in east El Paso located near Prado Road and Border Highway a portion of Tract 3B, Block 35, Ysleta Grant, El Paso County, Texas.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF UPGRADING ELECTRICAL SERVICE TO PROPERTY IN EAST EL PASO LOCATED BETWEEN CORA PLACE AND MANSFIELD DRIVE NEAR YARBROUGH DRIVE IN A PORTION OF TRACT 14, BLOCK C, CHRISTY TRACTS, EL PASO COUNTY, TEXAS.

WHEREAS, March 8, 2004, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead easement (5' x 155') for the purpose of upgrading electrical service to property in east El Paso located between Cora Place and Mansfield Drive near Yarbrough Drive in a portion of Tract 14, Block C, Christy Tracts, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement to upgrade service to land in a portion of Tract 14, Block C, Christy Tracts, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an overhead easement for the purpose of upgrading electrical service to property in east El Paso located between Cora Place and Mansfield Drive near Yarbrough Drive in a portion of Tract 14, Block C, Christy Tracts, El Paso County, Texas.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF UPGRADING ELECTRICAL SERVICE TO PROPERTY IN EAST EL PASO LOCATED OFF THE CORNER OF BALSAM DRIVE AND MIMOSA IN A PORTION OF TRACT 1B, BLOCK 26 AND TRACT 8A, BLOCK 27, YSLETA GRANT, EL PASO COUNTY, TEXAS.

WHEREAS, March 8, 2004, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead easement (10' x 40'; and, 10' x 106.73') for the purpose of upgrading electrical service to property in east El Paso located off the corner of Balsam Drive and Mimosa in a portion of Tract 1B, Block 26 and Tract 8A, Block 27, Ysleta Grant, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement to upgrade service to land in a portion of Tract 1B, Block 26 and Tract 8A, Block 27, Ysleta Grant, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an overhead easement for the purpose of upgrading electrical service to property in east El Paso located off the corner of Balsam Drive and Mimosa in a portion of Tract 1B, Block 26 and Tract 8A, Block 27, Ysleta Grant, El Paso County, Texas.

*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution authorizing the Mayor to sign an instrument granting an overhead easement to the El Paso Electric Company for the purpose of providing electrical service to property in northeast El Paso located close to the Texas/New Mexico border between Martin Luther King Jr., Blvd. and McCombs Street north of Stan Roberts Sr. Avenue in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas.

*Motion made, seconded and unanimously carried to postpone one (1) week A Joint Use Resolution of the City of El Paso, Texas and the El Paso Water Utilities Public Service Board to provide that an existing city drainage easement be used for drainage and water and sewer service for Pleasant Hills Subdivisions Four and Eight being part of Block 4, Pleasant Hills Subdivision Four, El Paso, El Paso County, Texas, between Pleasant Sand Drive and Pleasant Hills Drive, south of Patriot Freeway.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Section 17, Block 81, Township 2, T&P Railway Co. Surveys, El Paso County, Texas to provide service to the Animal Shelter located at 5001 Fred Wilson Avenue.

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*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution that the Mayor be authorized to sign a **Memorandum of Understanding** by and between the **CITY OF EL PASO** and **EL PASO WATER UTILITIES PUBLIC SERVICE BOARD** for clarifying the mutual responsibilities and duties pertaining to the design and installation of water and sanitary sewer services at the Animal Shelter facility.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

Parents Association for Recreation White Spur Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Parks and Recreation Department of the City of El Paso be authorized to host the Southwest Shootout Basketball Tournament on March 26, 27, and 28, 2004, at various Parks Department sites. This tournament has registered over 200 teams, including teams from out of town. All revenue from the tournament will benefit the teams and provide scholarships for local high school players.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS DEPARTMENT

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. **CONTRACTOR:** Jesus Barraza, Swim Meet Equipment
 DATES: June 1, 2004 through August 31, 2004
 RATE PER CL: \$50.00
 MAXIMUM AMT: \$400.00
 CONTRACT: **2003/2004-108**

MULTIPURPOSE CENTER**DEPARTMENT ID: 51510032, ACCOUNT 502214**

2. CONTRACTOR: Monica Esqueda, Aerobic Instructor
DATES: March 24, 2004 through August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$880.00
CONTRACT: **2003/2004-109**
3. CONTRACTOR: Rebecca Grado, Kickboxing Instructor
DATES: March 24, 2004 through August 31, 2004
RATE PER CL: \$9.00
MAXIMUM AMT: \$540.00
CONTRACT: **2003/2004-110**
4. CONTRACTOR: Marcela Macias, Folklorico Instructor
DATES: March 24, 2004 through August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$880.00
CONTRACT: **2003/2004-111**

SAN JUAN RECREATION CENTER**DEPARTMENT ID: 51510123, ACCOUNT 502214**

5. CONTRACTOR: Joe V. Hernandez, Scorekeeper
DATES: March 24, 2004 through August 31, 2004
RATE PER CL: \$8.00
MAXIMUM AMT: \$736.00
CONTRACT: **2003/2004-112**
6. CONTRACTOR: Sheree Lankford, Ballet Instructor
DATES: March 24, 2004 through August 31, 2004
RATE PER CL: 8.00
MAXIMUM AMT: \$1152.00
CONTRACT: **2003/2004-113**

.....

RESOLUTION*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Jesus A. Acosta, Lifeguard, Step 2
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-174**

2. CONTRACTOR: Christina A. Ayoub, Swim Instructor, Step 1
DATES: May 27, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-175**
 3. CONTRACTOR: Amber A. Benge, Swim Instructor, Step 1
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-176**
 4. CONTRACTOR: Paul J. Carrara, Senior Lifeguard, Step 1
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$6.60
CONTRACT NO: **2003/2004-177**
 5. CONTRACTOR: Omar H. Carrillo, Lifeguard, Step 2
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-178**
 6. CONTRACTOR: Crystal M. Chavez, Pool Attendant, Step 2
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-179**
 7. CONTRACTOR: Anaiza Fraire, Senior Lifeguard, Step 1
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$6.60
CONTRACT NO: **2003/2004-180**
 8. CONTRACTOR: Elizabeth A. Jones, Swim Instructor, Step 1
DATES: May 27, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-181**
 9. CONTRACTOR: Joshua D. Solorza, Pool Attendant, Step 1
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-182**
 10. CONTRACTOR: Joseph R. Villalobos, Swim Instructor, Step 2
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-183**
 11. CONTRACTOR: Nicolas Zarazua, Pool Attendant, Step 1
DATES: March 24, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-184**
-

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Brittany B. Burke, Pool Attendant, Step 1
DATES: March 31, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-185**
2. CONTRACTOR: Adam D. Duntley, Lifeguard, Step 2
DATES: March 31, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-186**
3. CONTRACTOR: Fabian T. Elizondo, Swim Instructor, Step 1
DATES: March 31, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-187**
4. CONTRACTOR: Jacklyn Gallegos, Senior Lifeguard, Step 1
DATES: May 9, 2004 through September 30, 2004
RATE PER HR: \$6.60
CONTRACT NO: **2003/2004-188**
5. CONTRACTOR: Cynthia L. Gonzalez, Pool Attendant, Step 1
DATES: March 31, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-189**
6. CONTRACTOR: David J. Juarez, Pool Attendant, Step 1
DATES: March 31, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-190**
7. CONTRACTOR: Carlos Lopez, Outdoor Pool Manager, Step 1
DATES: May 9, 2004 through September 30, 2004
RATE PER HR: \$7.30
CONTRACT NO: **2003/2004-191**
8. CONTRACTOR: Brianne A. Loya, Lifeguard, Step 2
DATES: March 31, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-192**

9. CONTRACTOR: Stephen Martinez, Swim Instructor, Step 1
 DATES: March 31, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-193**

10. CONTRACTOR: Carlos A. Rosales, Senior Lifeguard, Step 2
 DATES: May 9, 2004 through September 30, 2004
 RATE PER HR: \$6.60
 CONTRACT NO: **2003/2004-194**

11. CONTRACTOR: Diana I. Rosales, Pool Attendant, Step 1
 DATES: March 31, 2004 through September 30, 2004
 RATE PER HR: \$5.40
 CONTRACT NO: **2003/2004-195**

12. CONTRACTOR: Omar C. Torres, Lifeguard, Step 3
 DATES: March 31, 2004 through September 30, 2004
 RATE PER HR: \$6.20
 CONTRACT NO: **2003/2004-196**

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the staffing table change adding seven new police officer cadets to the Police Department's staffing table on March 15, 2004, be ratified.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Subscription Plan Agreement by and between the City of El Paso and LexisNexis, a division of Reed Elsevier Inc., for the continuation of the subscription access to a law enforcement information database for use by the Police Department from April 1, 2004 through March 31, 2005.

.....
 Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the County of El Paso has expressed a desire to acquire the City's property at 215 S. Campbell Street as a site for anew parking garage, and

WHEREAS, the City of El Paso is supportive of the County in its desire to acquire this site from the City of El Paso,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council of the City of El Paso declares its willingness to work with the County of El Paso in its acquisition of a site for a new parking garage, and that City staff be directed to negotiate with the County and the City Attorney's Office to prepare a Memorandum of Understanding for the County's possible acquisition of the City's property at 215 S. Campbell Street.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7308 Alameda Avenue, in El Paso, Texas, which property is more particularly described as:

Tract: 18C2, Block 24, Ysleta Grant

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Hector and Martha G. Hernandez (Owners), 7308 Alameda Avenue, El Paso, Texas 79915, and Hector R. and Martha G. Hernandez, 9455 Viscount Blvd., Apt. #529, El Paso, Texas 79925-7022, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7657 Alameda Avenue Apts. #1, #2 & #4, in El Paso, Texas, which property is more particularly described as:

Tract #4, Orndorff-Reynaud Subdivision #2

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Gonzalo and Tomasa De La Rosa, Owners, 9697 Omelveny Avenue, Pacoima, CA 91331-4158 and Herbert De La Rosa, 1152 Morgan Marie Street, El Paso, Texas 79936, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

REGULAR COUNCIL MEETING – MARCH 23, 2004

- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
 *Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Upper Valley Place Unit Three
 Owner/Developer: Sunny View L.L.C.
 Consultant: Brock and Bustillos Inc.

Street Improvements:

Kapriz Avenue - from the west Right Of Way line of Upper Valley Road to the end of cul-de-sac

Oscar Perez Avenue - from the west Right Of Way line of Upper Valley Road to the end of cul-de-sac

Kaila Place - from the north property line of Kapriz Avenue to the south property line of Oscar Perez Avenue

Drainage Improvements:

Surface Drainage

.....
 *Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Sun Valley Ranch
 Owner/Developer: Resortview Homes I, Ltd.
 Consultant: CEA Engineering

Street Improvements:

Valle Del Sol Drive - from the northeast subdivision boundary line to the end of "T" hammer cul-de-sac

Equinox Court - from the west property line of Valle Del Sol Drive to the end of the cul-de-sac

Drainage Improvements:

Retention Ponding Area - Located at Lot 11, Block 1; 0.64 ac. Area; 2.996 ac-ft. Capacity; 2-Concrete Headwall Structure with Rock Rip-Rip; 1-Junction Box/72" Manhole; 66.21 ft. of 30" R.C.P.; 72.09 ft of 18" R.C.P.; 737.3 ft. x 6 ft. high Rock Wall Fence; 1-20 ft. Vehicular Swing Gate; and 1-Water Depth Gage

Storm Drainage System - Located at Valle Del Sol Drive; 2-2 Grate Drop Inlet Type I; 776.79 ft of 18" R.C.P.; 1-1 Grate Drop Inlet Type I; 1-2 Grate Drop Inlet Type II; 1-Junction Box/72" Manhole; and 1-Junction Box/48" Manhole

15 ft. Drainage Easement - Located at Lot 10, Block 1; 229.58 ft. of 30" R.C.P.

.....
*Motion made, seconded and unanimously carried to delete the Staffing Table Change for **SOLID WASTE MANAGEMENT**

Add	1.00	Clerk Typist III	GS13
Delete	1.00	Payroll & Personnel Clerk	GS17

.....
*Motion made, seconded and carried that Michele Little Locke be confirmed as Assistant City Attorney, effective March 23, 2004 at a salary of \$62,000 per annum, plus any additional benefits of the position.

.....
*Motion made, seconded and unanimously carried to re-appoint Blanche Darley to the Arts and Culture Department Advisory Board by Mayor Joe Wardy.

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*Motion made, seconded and unanimously carried to appoint Ricardo Hernandez to the Fair Housing Task Force by Mayor Joe Wardy.

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*Motion made, seconded and unanimously carried to appoint Rodolfo Mata to the Brownfields Redevelopment Board by Representative Jose Alexandro Lozano, District 3.

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*Motion made, seconded and unanimously carried to appoint Bruce Ponzio to the Brownfields Redevelopment Board by Representative Daniel S. Power, District 5.

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*Motion made, seconded and unanimously carried to appoint Laura Foster Kissack to El Paso Public Arts Commission, to fill an unexpired term, by Representative Paul J. Escobar, District 6.

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*Motion made, seconded and unanimously carried to appoint Martina Lorey to El Paso Public Arts Commission, to fill an unexpired term, by Representative Paul J. Escobar, District 6.

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*Motion made, seconded and unanimously carried to appoint Peter Felix to the Brownfields Redevelopment Board by Representative Paul J. Escobar, District 6.

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*Motion made, seconded and unanimously carried to appoint Lupe Casillas-Lowenberg to the El Paso Public Arts Commission by Mayor Pro Tempore Anthony W. Cobos, District 8.

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*Motion made, seconded and unanimously carried to appoint Ron Pate to the Community Advisory Panel for the City Manager Hiring Process by Mayor Pro Tempore Anthony W. Cobos, District 8.

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*Motion made, seconded and unanimously carried to appoint Susan Watts to the El Paso Mountain Committee by Mayor Pro Tempore Anthony W. Cobos, District 8.

*Motion made, seconded and unanimously carried to appoint Tracy J. vonMaluski to the El Paso Public Arts Commission to fill an unexpired term, by Mayor Pro Tempore Anthony W. Cobos, District 8.

*Motion made, seconded and unanimously carried to appoint Douglas Borrett to the Brownfields Redevelopment Board by Mayor Pro Tempore Anthony W. Cobos, District 8.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C340-999-0230-2900, \$336.75 per month installments on a balance of \$6,061.50 for 2003 taxes; Geronimo Jordan – 901 Cortijo Dr.
- B. PID #C340-999-0670-5100, \$348.18 per month installments on a balance of \$4,526.34 for 2003 taxes; Maria E. Munoz – 6608 Amposta Dr.
- C. PID #D361-999-0020-3102, \$1,756.65 per month installments on a balance of \$21,079.80 for 2000, 2001 & 2002 taxes; K H C Enterprises Inc. – 8735 Dyer.
- D. PID #F415-000-0040-0201, \$402.26 per month installments on a balance of \$3,620.34 for 2001, 2002 & 2003 taxes; Teresita DeLeon – 11631 Flor Preciosa.
- E. PID #G710-999-0010-0900, \$298.69 per month installments on a balance of \$2,688.21 for 2001& 2002 taxes; Jesus E. & Isaura A. Perez – 7941 Campo Verde Ln.
- F. PID #'s M095-999-0120-0600 & M095-999-0080-3300, \$294.07 per month installments on a balance of \$4,999.19 for 2003 taxes; Henry & Julia Potter – 475 Borrett St.
- G. PID #S127-999-0180-2900, \$277.31 per month installments on a balance of \$2,495.79 for 2003 taxes; Roland H. Tovar – 11449 Lake Alice.
- H. PID's #X293-000-L00A-0170 & 1996-999-1489-0034, \$9,236.60 per month installments on a balance of \$55,419.60 for 2003 taxes; Texas LPG Storage Company – 11390 Gateway.
- I. PID #'s X579-000-2260-1182 & X579-000-2260-1184, \$512.59 per month installments on a balance of \$6,151.08 for 2001, 2002, & 2003 taxes; Jorge Robles - 13331 – 13341 Tobacco.
- J. PID #2001-999-1874-0034, \$1,721.19 per month installments on a balance of \$10,327.14 for 2002 taxes; Tony Roma's % Anaya Guerrero Investments Corp. – 7520 Remcon.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Laura International in the amount of \$2,547.52, overpayment of 2003 taxes.
(PID #2003-999-0972-0034)
- B. JP Morgan Chase Bank in the amount of \$8,597.96, overpayment of 2002 and 2003 taxes.
(PID #C007-999-0010-3500)
- C. Kenworthy Bldg., LTD in the amount of \$37,933.00, overpayment of 2002 taxes.
(PID #C232-999-0080-3600)

- D. Irwin Mortgage Corporation in the amount of \$4,624.62, overpayment of 2003 taxes.
(PID #C340-999-1520-3300)
- E. LandAmerica Texas OneStop, Inc., in the amount of \$4,370.41, overpayment of 2003 taxes.
(PID #H454-999-0010-2900)
- F. Sierra Title Co. in the amount of \$4,360.57, overpayment of 2003 taxes.
(PID #M-576-999-0040-3900)
- G. Stewart Title of El Paso in the amount of \$4,658.64, overpayment of 2003 taxes.
(PID #N425-999-0320-8400)
- H. Citimortgage Inc. in the amount of \$3,993.52, overpayment of 2003 taxes.
(PID #S380-999-0160-2500)
- I. GMAC Mortgage Corp. in the amount of \$5,679.51, overpayment of 2003 taxes.
(PID #S991-999-0010-1800)
- J. Government Employees Credit Union of El Paso in the amount of \$2,916.40, overpayment of 2003 taxes. (PID #V893-999-5660-1500)

*Motion made, seconded and unanimously carried to approve the request authorizing to use Two Thousand Two Hundred Ninety-Seven Dollars (\$2,297.00) from District 6 Discretionary Funds to install one Speed Hump on the 1400 Block of Michelangelo Dr.

*Motion made, seconded and unanimously carried to delete the request authorizing to allocate One Thousand Dollars (\$1,000.00) from District #4 Discretionary Funds to co-sponsor the Neighborhoods First Program's "2004 Neighborhood Summit", set for May 1st 2004 at the El Paso Convention Center.

*Motion made, seconded and unanimously carried to approve the request to allocate \$500.00 from District 8 Discretionary Funds to the El Paso Public Library for the "Dia De Los Niños - Dia De Los Libros" Annual Event to be held at Washington Park on April 24, 2004.

*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract for one (1) additional year, from September October 1, 2004, through September 30, 2005, pursuant to the provisions of contract 2002-222, Food Product Establishment at San Jacinto Plaza, with Big Boy Ice Cream Concessions Inc.

Option No.: Two [Of Two]
 Department: Parks & Recreation
 Account No: 51010279 Revenue-User Fee
 Amount Of Award: \$7,748.00 Estimate Revenue

Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-034 31 Yard Automated Side Load Refuse Trucks.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks Bid No. 2004-034 31 Yard Automated Side Load Refuse Trucks

Award to: Rush Truck Center – El Paso
 El Paso, Texas
 Item (s): 1 – Ten (10) Each
 Optional Items: O3, O8 – Ten (10) Each
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Amount:	\$1,524,280.00
Department:	Solid Waste Management
Funds available:	34340200-508006-40415 (\$762,140.00) 04250203-508006-27252-PMB0003160 (\$762,140.00)
Funding source:	FY 2004 Solid Waste Management Revenue Bonds FY 2002 Certificates of Obligation
Total award:	\$1,524,280.00

The Solid Waste, Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor also offered the lowest responsive bid.

This is a fixed-price, single (one-time) purchase, to purchase ten (10) 31 Yard Automated Side Load Refuse Trucks. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract.

No prompt payment discount is offered.

NOTE: Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations totaling \$16,418,800 (New Clint Cell; New McCombs Cell; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).; Bid No. 2004-034 31 Yard Automated Side Load Refuse Trucks; Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2; and Budget Transfer BT2004-524, were all considered together.

*Motion made, seconded and unanimously carried to award Bid No. 2004-087 Air Cargo Facility #4 Tenant Improvements

Contractor:	Blair-Hall Co. Inc. El Paso, Texas
Department:	Airport
Funds Available:	62620021/PAP003001/41061/508027
Funding Source:	Airport Revenue
Items:	Base Bid \$287,000.00 Alternate No. 1 \$ 2,000.00 Alternate No. 2 \$ 3,000.00 Alternate No. 3 \$ 7,000.00
Total Award:	\$299,000.00

The Departments of Purchasing, Engineering and Airport recommend the award of Base Bid and Alternates 1,2 & 3 to Blair Hall Co. Inc., the Best Value proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-103 Asbestos and Microbial Abatement Services

Award to: Southwest Abatement Inc. dba Environmental Reconditioning Inc.
El Paso, Texas
Item (s): All
Amount: \$1,415,770.00 (estimated annually)

Department: Municipal Services
Funds available: Various
Funding source: Various
Total award: \$4,247,310.00

Municipal Services Department and Purchasing Department recommend award as this vendor has provided the Best Value Procurement and meets specifications. This is a thirty-six (36) month contract with no option to extend the contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-110 Evaluation of Lead Base Paint Hazardous Services

Award to: Safenet Environment Services
El Paso, Texas
Item (s): All
Amount: \$45,000.00 (estimated annually)

Department: Community Development
Funds available: 71150034-07783-502204 Grant G710401
Funding source: CDBG Special Purpose Grant-Lead Hazard Control Environmental Contracts
Total award: \$90,000.00

The Departments of Community Development and Purchasing recommend award as indicated as this vendor meets the Best Value Procurement Criteria and is the responsive bidder. This is a twenty-four (24) month contract with the option to extend the term of this contract one (1) additional year.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-116 Janitorial Services for Hilos De Plata Senior Center

Award to: P & S Janitorial Services
El Paso, Texas
Item (s): All
Amount: \$19,267.20 (estimated annually)

Department: Parks and Recreation
Funds available: 51010256-01101-502206
Funding source: General Funds, Janitorial Maintenance Services Contract
Total award: \$57,801.60

The Departments of Parks & Recreation and Purchasing recommend award as indicated as this vendor meets the Best Value Procurement Criteria and is the responsive bidder. This is a thirty-six (36) month contract with the no option to extend the term of this contract. Additionally, P & S Janitorial Services offers a 2% 10 days prompt payment discount.

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Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried postpone two (2) weeks Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2

Contractor:	J. D. Abrams, LP
	Austin, TX
Department:	Solid Waste Management
Funds Available:	31260001/PPWFA03019/60636/508027
Funding Source:	Revenue Bond
Items:	Base Bid I \$2,870,450.00
	Base Bid IA \$ 3,300.00
	Base Bid II \$ 46,000.00
	Base Bid III \$ 47,000.00
Total Award:	\$2,966,750.00

Recommendation:

The Departments of Purchasing, Engineering, and Solid Waste recommend the award of this contract to J. D. Abrams, LP, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

NOTE: Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations totaling \$16,418,800 (New Clint Cell; New McCombs Cell; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).; Bid No. 2004-034 31 Yard Automated Side Load Refuse Trucks; Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2; and Budget Transfer BT2004-524, were all considered together.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-078 Street Resurfacing 2004-2005

Contractor: Silverton Construction Co., Inc.
El Paso, Texas
Department: Street Department
Funds Available: 32010159/29147/29148/29149/29450/508027
Funding Source: 2004 Capital Improvements Program Proposition #3
Items: #1 - 43
Total Award: \$9,443,199.00

The Purchasing and Street Department recommend the award of this contract to Silverton Construction Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

This is a unit price requirements contract of which the City of El Paso will exercise a minimum of seventy five percent (75%) or a maximum of one hundred twenty five percent (125%) of the dollar value of the awarded contract. As part of the award of this contract, the Director for Streets is authorized to approve contract changes which are necessary for proper construction of the work and carrying out of the intent of the design (where applicable), but which do not exceed \$ 25,000.00 per numbered change order, and no to exceed the total of 10% of the one hundred twenty five percent (125%) maximum value of the awarded contract price, without further authorization by City Council.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-097 Lubricants and Oil

Award to: Vendor 1: Big Bear Oil Company
El Paso, Texas
Item (s): #1 (ALL), #2A, 2B, and 2C, #3 (ALL),
#4 (ALL) #5 (ALL)
Amount: \$50,000.00 (estimated annually)

Vendor 2: Trans Mountain Oil Company
El Paso, Texas
Item (s): #2D, 2E, 2F, 2G, 2H and 2I
Amount: \$10,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Services Internal Service Fund
Total award: \$180,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 offer the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) year from the date of the award. Vendor also offers the City a prompt payment discount of 1% 10 days.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award. Vendor also offers the City a prompt payment discount of 1% 10 days.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-098 Proprietary Parts & Service – Ford Motor Company

Award to: Expressway Ford
El Paso, Texas
Item (s): Group A: Items 1 and 1A
Group B: All Items
Amount: \$150,000.00 (estimated annually)
Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Services Internal Service Fund
Total award: \$450,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor with lowest bid (Casa Ford) was rejected because no signature was provided on the bid, which is necessary to bind the offeror to the offer submitted.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-099 Auto Parts-Belts and Hoses

Award to: Main Auto Parts
El Paso, Texas
Item (s): Group I, Item #1
Group II Item #2 (ALL)
Amount: \$20,000.00 (estimated annually)
Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Services Internal Service Fund
Total award: \$60,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Vendor also offers the City a prompt payment discount of 2% 20 days.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-100 Auto Parts – Filters

Award to: Main Auto Parts
El Paso, Texas
Item (s): Group I, Item #1
Group II, Item #1 (ALL)
Amount: \$50,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Services Internal Service Fund
Total award: \$150,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Vendor also offers the City a prompt payment discount of 2% 20 days.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-493 AIRPORT

Transfer of funds from Airport contingency to reimburse the Streets Department for spreading magnesium chloride on vacant land along Boeing for dust control.

Increase	\$15,000	to	62620011/40101/502215	OutsideCnt
Decrease	\$15,000	from	62620001/40101/504405	Contingency

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-518 AIRPORT

Transfer of funds to cover cost of parts to replace backflow units which failed inspection in the Global Reach Industrial Park area.

Increase	\$2,500	to	62620039/40101/503113	Land Maint Supplies
Increase	\$2,500	to	62620039/40101/407001	Intrfnd Trsf In
Increase	\$2,500	to	62620018/P50000241021/407002	Est Rev
Increase	\$2,500	to	62620018/P50000241021/507001	IntrfndTrsfOut

NOTE: BT2004-518 was revised from "62620039/40101/503200 Fac Maint" to "62620039/40101/503113 Land Maint Supplies".

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-520 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer is being done to make funds available for the construction phase for the Estrella Rivera Basketball Court Rehabilitation Project. It is a 29th Yr (2003-2004) design project and 30th Yr (2004-2005) construction project. This budget transfer will take funds from the 29th year contingency account in order to start the construction phase early, rather than waiting for September 1, 2004 when 30th year funds will become available. Design of the project proceeded at a faster rate than was originally anticipated. By using contingency funding for the construction phase this fiscal year, more CD funds will be available for 30th Yr projects.

Decrease	\$47,113	from	71150069/G7129CD000107747/508027	Construction
Increase	\$42,637	to	71150069/G7129CD003507776/508027	Construction
Increase	\$ 500	to	71150069/G7129CD003507776/502302	PrntShopAlloc
Increase	\$ 100	to	71150069/G7129CD003507776/502304	Mailroom Chg
Increase	\$ 581	to	71150069/G7129CD003507776/508026	Inspections
Increase	\$ 581	to	71150069/G7129CD003507776/508024	Testing
Increase	\$ 797	to	71150069/G7129CD003507776/508021	C-Eng Chg
Increase	\$ 1,917	to	71150069/G7129CD003507776/501000	N-UnifWg&Sal
Increase	\$47,113	to	71150069/G7129CD000107747/507001	Transfers
Increase	\$47,113	to	71150069/G7129CD003507776/407001	Transfers

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-521 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer is being done to make funds available for the construction phase for the Mary Webb Basketball Court Rehabilitation Project. It is a 29th Yr (2003-2004) design project and 30th Yr (2004-2005) construction project. This budget transfer will take funds from the 29th Yr contingency account in order to start the construction phase early, rather than waiting for September 1, 2004 when 30th Yr funds will become available. Design of the project proceeded at a faster rate than was originally anticipated. By using contingency funding for the construction phase this fiscal year, more CD funds will be available for 30th Yr projects.

Decrease	\$13,847	from	71150069/G7129CD000107747/508027	Construction
Increase	\$10,210	to	71150069/G7129CD003707778/508027	Construction
Increase	\$ 100	to	71150069/G7129CD003707778/502302	PrntShopAlloc
Increase	\$ 500	to	71150069/G7129CD003707778/502304	Mailroom Chg
Increase	\$ 139	to	71150069/G7129CD003707778/508026	Inspections
Increase	\$ 139	to	71150069/G7129CD003707778/508024	Testing
Increase	\$ 1,909	to	71150069/G7129CD003707778/508021	C-Eng Chg
Increase	\$ 850	to	71150069/G7129CD003707778/501000	N-UnifWg&Sal
Increase	\$13,847	to	71150069/G7129CD000107747/507001	Transfers
Increase	\$13,847	to	71150069/G7129CD003707778/407001	Transfers

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 Motion made, seconded and unanimously carried to move to the regular agenda BT2004-524 SOLID WASTE MANAGEMENT.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks budget transfer BT2004-524 SOLID WASTE MANAGEMENT

To establish appropriations for sale of revenue bonds to purchase Solid Waster Management equipment for FY 04.

Increase	\$1,631,200	to	34340200/40415/508006	Veh Equip
Increase	\$ 60,000	to	34340200/40415/508008	OffEquip&App
Increase	\$1,546,600	to	34340200/40415/508029	Hvy/OffRdEqp
Increase	\$3,237,800	to	34340200/40415/407020	Bond Proc

NOTE: Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations totaling \$16,418,800 (New Clint Cell; New McCombs Cell; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).; Bid No. 2004-034 31 Yard Automated Side Load Refuse Trucks; Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2; and Budget Transfer BT2004-524, were all considered together.

*Motion made, seconded and unanimously carried to approve the request of Cesar Chavez Memorial Monument Committee to hold a march on March 31, 2004 from 12:30 p.m. to 1:15 p.m. Route: Start at Riverside High School to Midway, turn right on Alameda, proceed on Alameda and finish at 7814 Alameda-Cesar Chavez Academy. Approximately 30 persons and 10 motorcycles will take part. PERMIT NO. 04-013 [Margarita G. Sanchez]

*Motion made, seconded and unanimously carried to delete the introduction of an Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.32 (Public Swimming Pool Licenses), Section 5.32.140 (Fees) To Increase The Permit Fees. The Penalty Being As Provided In Section 5.32.160 Of The El Paso Municipal Code.

*Motion made, seconded and unanimously carried to delete the introduction of an Ordinance Amending Title 13 (Streets, Sidewalks And Public Spaces), Chapter 13.28 (Sound Amplification Devices), Section 13.28.020 (Permit Application Contents) And Section 13.28.040 (Permit Application – Filing Time Limit Exception -- Considerations) To Increase The Permit Fees. The Penalty Being As Provided In Section 13.28.060 Of The El Paso Municipal Code.

*Motion made, seconded and unanimously carried to delete the introduction of an Ordinance Amending Title 13 (Streets, Sidewalks And Public Spaces), Chapter 13.32 (Parades And Temporary Events), Section 13.32.040 (Permit Application) To Increase The Permit Fees. The Penalty Being As Provided In Section 13.32.130 Of The El Paso Municipal Code.

*Motion made, seconded and unanimously carried to postpone two (2) weeks the introduction of an Ordinance amending Sections of Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments). The penalty being as provided in Section 9.12.890 of the El Paso Municipal Code.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 14 (Aircraft and Airports), by substituting the term Director of Aviation for Airport Manager and the term Assistant Director of Aviation for Assistant Manager wherever they appear.
- B. An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.12 (Aircraft Use Regulations), Section 14.12.200 (Parking of aircraft) of the El Paso Municipal Code and imposing a dead storage parking rate. The penalty as provided in Chapter 1.08 of the El Paso Municipal Code.
- C. An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.24 (Commercial Air Carriers Rates And Charges) of the El Paso Municipal Code by amending Appendix A to set forth new Cost Recovery Rates for Fiscal Year 2004. The penalty as provided in Chapter 1.08 of the El Paso Municipal Code.
- D. An Ordinance amending Title 2 (Administration and Personnel) of the El Paso Municipal Code of El Paso to add Chapter 2.07, to establish the El Paso Capital Improvements Program Advisory Committee; to provide for committee membership, duties, terms of office, duration, for the purpose of overview, recommendation and information regarding approved and planned capital projects.
- E. An Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.04 (Business Taxes, Licenses And Regulations) Section 5.04.040 (Late Payment - Penalty) To Increase The Permit Fees. The Penalty Being As Provided In Sections 1.08.010 To 1.08.030 Of The El Paso Municipal Code.

- F. An Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.100 (Vendors And Solicitors), Section 5.100.040 (License Fees) And Section 5.100.070 (License – Temporary – Fee – Term) To Increase The Permit Fees. The Penalty Being As Provided In Section 5.100.100 Of The El Paso Municipal Code.
- G. An Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.24 (Charitable Solicitations), Section 5.24.050 (Application - Fee) To Increase The Permit Fees. The Penalty Being As Provided In Sections 1.08.010 To 1.08.030 Of The El Paso Municipal Code.
- H. An Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.48 (Laundries), Section 5.48.030 (License – Fee - Expiration) To Increase The Permit Fees. The Penalty Being As Provided In Sections 1.08.010 To 1.08.030 Of The El Paso Municipal Code.
- I. An Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.72 (Motor Vehicle Dealers And Salesmen) Section 5.72.030 License - Fee - Term) To Increase The Permit Fees. The Penalty Being As Provided In Section 5.72.120 Of The El Paso Municipal Code.
- J. An Ordinance Amending Title 5 (Business Taxes, Licenses And Regulations), Chapter 5.84 (Dealers In Second Hand Goods, Coins And Precious Metals), Section 5.84.050 (License - Fee) To Increase The Permit Fees. The Penalty Being As Provided In Section 5.84.220 Of The El Paso Municipal Code.
- K. An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12 (Stopping, Standing And Parking Generally), Section 12.44.280 To Increase The Permit Fees. The Penalty Being As Provided In Section 12.84 Of The El Paso Municipal Code.
- L. An Ordinance Amending Title 13 (Streets, Sidewalks And Public Spaces), Chapter 13.04 (Street And Sidewalk Construction And Maintenance), Section 13.04.015, To Increase The Permit Fees. The Penalty Being As Provided In Sections 1.08.010 To 1.08.030 Of The El Paso Municipal Code.
- M. An Ordinance Amending Title 13 (Streets, Sidewalks And Public Spaces), Chapter 13.12 (Driveways), Section 13.12.050 (Permit Fees), To Increase The Permit Fees. The Penalty Being As Provided In Section 13.12.260 Of The El Paso Municipal Code.
- N. An Ordinance Amending Title 17 (Housing), Chapter 17.08 (Lodginghouses, Tenement Houses, Hotels And Motels) Section 17.08.120 And Section 17.08.220 To Increase The Permit Fees. The Penalty Being As Provided In Section 17.08.250 Of The El Paso Municipal Code.
- O. An Ordinance Amending Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.040 To Increase The Permit Fees. The Penalty Being As Provided In Section 17.12.150 Of The El Paso Municipal Code.
- P. An Ordinance Amending Title 17 (Housing), Chapter 17.16 (Inspections And Certificates), Section 17.16.020 To Increase The Permit Fees. The Penalty Being As Provided In Section 17.16.060 Of The El Paso Municipal Code.
- Q. An Ordinance Amending Title 18 (Building And Construction), Chapter 18.02 (Building And Construction Administrative Code), Section 18.02.109 To Increase The Permit Fees. The Penalty Being As Provided In Section 18.02.107 Of The El Paso Municipal Code.

- R. An Ordinance Amending Title 18 (Building And Construction), Chapter 18.02 (Building And Construction Administrative Code), Section 18.02.103.7 (Fees) By Adding Section 18.02.103.7.5.5 (Valuation For New Residential Permits). The Penalty Being As Provided In Section 18.02.107 Of The El Paso Municipal Code.
- S. An Ordinance Amending Title 18 (Building And Construction), Chapter 18.44 (Grading), Section 18.44.150 (Permit Fees), Of The El Paso City Code, To Increase The Fees For Grading Permits. The Penalty Being As Provided In Section 18.44.240 Of The El Paso City Code.
- T. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **STRATEGIC BUDGET ADVISOR**.
- U. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to amend the procedures for amending or adding job specifications.
- V. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 15, Suspension, Reduction and Discharge, to add Section 6, to allow employees to forfeit annual leave in lieu of serving a suspension provided that appeal rights are waived.
- W. An Ordinance permitting Parents Association for Recreation for Kids, Inc. to use a portion of White Spur Park from 1:00 PM until 5:00 PM on APRIL 25, 2004.
- X. An Ordinance granting a Special Privilege License to Border Cab Taxi Company authorizing two taxicab stands on portions of public rights-of-way along Sixth Avenue with two Taxicab Stands. Fee: \$1,279.00, SP-04003.
- Y. An Ordinance amending Ordinance Number 011598 and Ordinance Number 011902, for the purpose of revising the effective dates of the terms of the members appointed to the International Bridge Commission, revising the ex-officio membership of the International Bridge Commission, and to name the City of El Paso's Street Department as Secretary to the International Bridge Commission.

PUBLIC HEARING WILL BE HELD ON APRIL 6, 2004 FOR ITEMS A – Y

- Z. An Ordinance Amending Title 20 (Zoning), Chapter 20.66 (Signs), Section 20.66.100 (Sign Permit Formula), Section 20.66.110 (Replacement Permit) And Section 20.66.120.B To Increase The Permit Fees. The Penalty Being As Provided In Section 20.68 Of The El Paso Municipal Code.
- AA. An Ordinance Amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Section 20.04.551.1 (Fee – Home Occupation Permits) To Increase The Permit Fees. The Penalty Being As Provided In Section 20.68 Of The El Paso Municipal Code.
- BB. An Ordinance changing the zoning of Portions of Lots 12, 13 and 14, Block 10, Stiles Gardens, El Paso, El Paso County, Texas (405 Orgain Way) from C-1 (Commercial) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00000. Applicant / Representative: Ray Lind, P. O. Box 2275, Las Cruces, NM 88004.
- CC. An Ordinance changing the zoning of Tract 8, S.A. & M.G.R.R. Co. Survey No. 265, Tract 1, J.L. Johannsen Survey No. 185, Tract 1, W.H. Lenox Survey No. 432, El Paso, El Paso County, Texas (North of Montoya Lane and East of Johannsen Road) from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00022. Applicant: Tropicana Homes, Inc./ Representative: CEA Engineering Group, 1204 Montana Ave., El Paso, TX 79902.

PUBLIC HEARING WILL BE HELD ON APRIL 13, 2004 FOR ITEMS Z – CC

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Lozano, seconded by Representative Power and unanimously carried to postpone one (1) week the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided three cost estimates for the installation of the multi-way (4-way) stop at the intersection of Parral and La Paz for Council Members consideration.

Representative Lozano moved to approve and added that he would work with the Traffic Engineering Department to determine the appropriate action. There was no second.

Council Members questioned Mr. David Almonte, Director of OMB, Mr. Raymond L. Telles, Assistant City Attorney, Mr. Jim Martinez, Chief Administrative Officer, and Ms. Lisa A. Elizondo, City Attorney.

Ms. Rita Sariñana, citizen, spoke in Spanish requesting that the sign be placed. Her daughter, Ms. Aide Sariñana, translated from Spanish to English.

Representative Lozano moved to approve. Representative Cobos seconded. No vote was taken.

Mayor Joe Wardy and Representative Power commented.

Representative Lozano move to postpone one week. Representative Power seconded.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action on an economic development tourism initiative for financial commitment to support a citywide campaign to include signage, two billboards, banners, bench ads and bus wraps. An oversight committee will assist with design, placement and budget.

.....
No action was taken on the Progress Report of the Building Permits & Inspections Department regarding (1) third party plan review and inspection; (2) turnaround times for residential and commercial plan review; and (3) an update on pending community site visits, as requested by City Council on March 2, 2004.

Mr. Alan Shubert, Director of Building Permits and Inspections, explained the Building Permits and Inspections Department ("BP&I") progress regarding (1) third party plan review and inspection; (2) turnaround times for residential and commercial plan review; and (3) an update on pending community site visits. He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy suggested visiting six cities similar in size to El Paso's population.

Mr. Jim Martinez, Chief Administrative Officer, clarified that the site visits were to encompass three metroplexes.

Representative Cook requested that the site visits include meetings with Contractor and Remodeling Associations, in addition to meetings with City officials.

Representative Austin commented on provisions in the existing statute.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to delete the Resolution that the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Parents Association for Recreation for Kids, Inc. providing support for the fundraising event, to be held on Sunday, April 25, 2004, for the purpose of raising funds to cover costs associated with the design and purchase of playground equipment to be installed at White Spur Park, and that the City waive the \$400.00 fee otherwise required for the use of the park for this event.

Representative Cook questioned the budget allocation for the event.

Representative Austin agreed to utilize \$200 of District 1 discretionary funds for the event.

Dr. William R. Torgerson, Interim Director of Parks and Recreation, clarified that the Parks and Recreation Department was waiving the \$400 fee for the use of the park.

Representative Cook requested that the resolution language be revised to read "fees for the event be waived" rather than "that the allocation of \$400.00 be authorized for this event", as noted on the agenda.

Representative Cobos suggested the City co-sponsor the event.

Ms. Lisa A. Elizondo, City Attorney, suggested that the City waive the \$400 fee.

Representative Cobos moved to amend the motion as follows: "and that the City waive the \$400 fee".

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the Resolution as amended below:

Resolution that the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Parents Association for Recreation for Kids, Inc. providing support for the fundraising event, to be held on Sunday, April 25, 2004, for the purpose of raising funds to cover costs associated with the design and purchase of playground equipment to be installed at White Spur Park, and that the City waive the \$400.00 fee otherwise required for the use of the park for this event.

Mr. John Nance, Assistant City Attorney, requested that the item be reconsidered due to problems with the amendments that were approved earlier in the meeting and he subsequently requested that Council Members delete the item.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the Resolution that the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Parents Association for Recreation for Kids, Inc. providing support for the fundraising event, to be held on Sunday, April 25, 2004, for the purpose of raising funds to cover costs associated with the design and purchase of playground equipment to be installed at White Spur Park, and that the City waive the \$400.00 fee otherwise required for the use of the park for this event.

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Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to postpone one (1) week the Resolution that the Mayor and City Council hereby authorizes the Planning, Research and Development Department Director to sign and submit a City-initiated street dedication application for portion of Redd Road Drive that will provide access to a City park known as Valley Creek Park.

Mr. Rudy Valdez, Chief Urban Planner, Mr. Byron Johnson, Director of Purchasing, Mr. Daryl Cole, Street Director, Ms. Teresa Quezada, Capital Development Program Administrator, provided administrative information.

Representative Austin clarified that the street dedication was from Upper Valley Road to Valley Creek Park and further explained the justification for the dedication of the portion of the road.

Mayor Joe Wardy stated that the Council Members have the ability to set policy on which roads get developed with City funds.

Representatives Lozano and Cushing commented and/or asked questions of City staff.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing be authorized to terminate Contract No. 2002-077 titled, Janitorial Services for Park Facilities (Washington Park Senior Citizen Center), pursuant to the provisions and requirements of Section C 8(A) of the Contract Clauses, due to convenience of the City of El Paso, and to notify Office Janitorial Services (Professional Office Service) that the City is terminating the contract. The termination shall be effective as of March 23, 2004.

Mr. Byron Johnson, Director of Purchasing, gave administrative information.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an agreement between the City of El Paso and the El Paso Downtown Management District. Said agreement sets out the role and responsibilities of the Downtown Management District for the supplemental cleaning of sidewalks, alleys and storefronts in the Downtown Management District area in El Paso.

Mr. Michael E. Breiting, Executive Director, El Paso Central Business Association and El Paso Downtown Management District, gave a Powerpoint presentation and requested that the Council Members support the resolution. He highlighted the new City Watch Program and requested that citizens call in their trash, graffiti, or any other complaints to the following telephone numbers: 533-2656 and/or 621-6700. He answered questions from and responded to comments made by the Council Members.

Representative Cobos commended Mr. Breiting and explained that the \$180,000 for the three-year contract would be money well spent.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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ORDINANCE 15714

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.96 (TATTOOERS), IN ITS ENTIRETY AND TO CREATE A NEW CHAPTER 5.96 (TATTOOING AND BODY PIERCING LICENSES). THE PENALTY BEING AS PROVIDED HEREIN.**

Mr. Edward F. Muñoz, El Paso City-County Health and Environmental District, explained that due to recent legislature changes regarding governing the operation of tattooing and body piercing studios and added that the El Paso City-County Health and Environmental District and Board of Health approved those recommendations. He and Mr. Tom Gamboa, El Paso City-County Health and Environmental District, answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Escobar and Cobos
NAYS: None Absent: Council Member Rojas

Council Member Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15715

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 9 (HEALTH & SAFETY), BY ADDING A NEW CHAPTER 9.32 (TATTOOING AND BODY PIERCING), TO PROVIDE FOR THE REGULATION OF TATTOOING AND BODY PIERCING. THE PENALTY BEING AS PROVIDED HEREIN.**

Please see above discussion for Ordinance 15714.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Escobar and Cobos
NAYS: None Absent: Council Member Rojas

Council Member Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15716

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF TAX COLLECTIONS SUPERVISOR.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power and Escobar
NAYS: None Absent: Council Member Rojas

Council Members Lozano and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15717

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF TAX CUSTOMER ACCOUNTS SUPERVISOR.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power and Escobar
NAYS: None Absent: Council Member Rojas

Council Members Lozano and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15718

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF LEGAL FILE CLERK.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power and Escobar
NAYS: None Absent: Council Member Rojas

Council Members Lozano and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15719

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: TRACT 3A, S.A. & M.G. RAILROAD SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: TRACT 4, W.H. LENOX SURVEY NO. 432, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and noted that the DCC (Development Coordinating Committee) had recommended C-3 zoning for the hotel site and C-1 for the restaurant/retail site. He added that the CPC (City Plan Commission) had approved the recommendations made by the DCC with the condition that a Site Development Plan be submitted prior to the issuance of any permits.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Cobos
NAYS: None Absent: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Tract 4 and Tract 5A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas (Westside Drive North of Gomez Road) from R-F (Ranch and Farm) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Sam Phillips, Sal Masoud, Jose Hernandez, Ynez Hernandez, and Miguel Hernandez, Jr. / Representative: Del Rio Engineering, Inc., P.O. Box 220251, El Paso, TX 79913. ZON04-00005. **THIS IS AN APPEAL CASE.**
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*Motion made, seconded and unanimously carried to postpone (2) weeks an Ordinance changing the zoning of Tracts 6E, 6F and 6G, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas (Ada Lane North of Gomez Road) from R-F (Ranch and Farm) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Enrique Escobar; 301 Borderland Road, El Paso, TX 79932. ZON04-00012. **THIS IS AN APPEAL CASE.**
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ORDINANCE 15720

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00067, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACTS 17C39 AND 17C156, BLOCK 79, SECTION 8, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and noted that the Planning Research and Development Department had received no letters or telephone calls in opposition or support of the zoning change request. He added that the DCC (Development Coordinating Committee) had recommended approval and the CPC (City Plan Commission) approved the zoning change request concurrent with City staff recommendations.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Cobos
NAYS: None Absent: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 150 Cherry Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 15th, 2003. The owners of this property, Juan and Maria Flores, 150 Cherry Street, El Paso, Texas 79915, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.
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ADDITION TO THE AGENDA

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, on January 2, 2004, the City Council made a motion to direct that the Community Development Legislative Review Committee, along with Community Development staff and collaborative members, review and discuss the Community Development Collaborative Process including its appeal procedures, in relation to recommendations for funding under the Programs administered by the Department of Community and Human Development; and

WHEREAS, in accordance with the January 2, 2004, City Council's Motion to conduct a review of the Community Development Collaborative Process the City Council hereby supports the formation of a Mayor's Blue Ribbon Ad Hoc Committee for the purpose of reviewing the Community Development Collaborative Process; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council supports the appointment of a six (6) member Mayor's Blue Ribbon Ad Hoc Committee for the purposes of reviewing the current Community Development Collaborative Process in accordance with the City Council's Motion of January 2, 2004, with the recommendations of the Collaborative Advisory Committee to be brought back to the City Council for discussion, consideration and adoption.

Representative Cobos questioned the urgency of the resolution passage.

Representative Austin explained that Representative Rojas was a professional social worker and that as per her request she be appointed to the Collaborative Advisory Committee.

Mayor Joe Wardy requested that the Council Members approve the resolution and allow the Committee to begin their deliberations. He explained that it would not be necessary to appoint Representative Rojas to the Collaborative Advisory Committee but encouraged the Council Members to become involved. He added that the Committee would keep the Council Members informed.

Ms. Laura Uribarri, Mayor's Office, informed the Council that the Committee would be holding their first meeting Wednesday, March 24, 2004.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

NOTE: Resolution was considered following the approval of the revised consent agenda.
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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone six (6) weeks the discussion and action on a resolution expressing the will of the El Paso City Council regarding "deregulation" of electric services in the City of El Paso.

Representative Escobar was not present for the vote.

NOTE: Item was moved into executive session. This item was considered together with A Resolution of the City of El Paso, Texas, supporting a delay of retail competition for El Paso Electric Company, as a result, rules of order regarding electronic voting were automatically suspended.

*Motion made, seconded and unanimously carried to postpone four (4) weeks the following executive session item:

Discussion and action on Enforcement of Chapter 5.54 of the City of El Paso Municipal Code. (551.071)

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:27 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

- A. Discussion and Action on Cause No. 2002-5111, Wal-Mart Stores, Inc. v. City of El Paso, et al. (551.071)
- B. Eddie E. Bernal vs. El Paso City-County Health and Environmental District, Cause No. 99-1901 (551.071)
- C. James K. Terrell vs. The City of El Paso, et al, Cause No. EP-03-CA-0364-KC (551.071)
- D. Luis L. Maldonado vs. The City of El Paso, et al, Cause No. EP-04-CA-0043-PRM, (551.071)
- E. Magdalena Chalmers vs. The City of El Paso, et al, Cause No. EP-03-CA-0290-PRM (551.071)
- F. A Resolution of the City of El Paso, Texas, supporting a delay of retail competition for El Paso Electric Company. (551.071)
- G. Discussion and action on a resolution expressing the will of the El Paso City Council regarding "deregulation" of electric services in the City of El Paso. (551.071)

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to adjourn the Executive Session at 1:06 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows: Representative Escobar was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the claim entitled **Wal-Mart Stores, Inc. v. City of El Paso, et al, Cause No. 2002-5111; Our File No. 02-S-56** be **DENIED** as recommended by the City Attorney.

Representative Escobar was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **WAIVE APPEAL AND SUSPEND FURTHER POST-JUDGMENT ACTIVITY** in the case entitled **EDDIE E. BERNAL vs. THE EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT**; Cause No. 99-1901; Our File No. 99-S-33, for purposes of effectuating settlement of the judgment in this cause, as recommended by the City Attorney's Office.

Representative Escobar was not present for the vote.

Motion made Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **HIRE AN EXPERT WITNESS** in the case entitled **JAMES TERRELL vs. THE CITY OF EL PASO et al**; Cause No. EP-03-CA-0364-KC; Our File No. 02-S-50, as recommended by the City Attorney's Office.

Representative Escobar was not present for the vote.

Motion made Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **HIRE AN OUTSIDE CONSULTANT** in the case entitled **LUIS L. MALDONADO vs. THE EL PASO CITY, ET. AL.**; Cause No. EP-04-CA-0043-PRM, as recommended by the City Attorney's Office.

Representative Escobar was not present for the vote.

Motion made Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **HIRE AN OUTSIDE CONSULTANT** in the case entitled **MAGDALENA CHALMERS vs. THE EL PASO CITY, ET. AL.**; Cause No. EP-03-CA-0290-PRM, as recommended by the City Attorney's Office.

Representative Escobar was not present for the vote.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone six (6) weeks A Resolution of the City of El Paso, Texas, supporting a delay of retail competition for El Paso Electric Company.

Representative Escobar was not present for the vote.

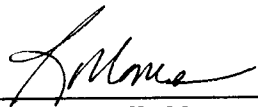
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone six (6) weeks the discussion and action on a resolution expressing the will of the El Paso City Council regarding "deregulation" of electric services in the City of El Paso.

Representative Escobar was not present for the vote.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 1:14 p.m.

Representative Escobar was not present for the vote.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk